

R430-90-14, R430-50-14. CHILD HEALTH.

Licensed Family 90-14:

- (1) The licensee shall ensure that no child is subjected to physical, emotional, or sexual abuse while in care.

Residential Certificate 50-14:

- (1) The certificate holder shall ensure that no child is subjected to physical, emotional, or sexual abuse while in care.

Rationale / Explanation

Serious physical abuse of children by caregivers usually occurs at times of high stress for the caregiver. For this reason, it is important for caregivers to have ways of taking breaks and seeking assistance when they are stressed. CFOC, pgs. 117-118 Standard 3.058

The presence of multiple caregivers also greatly reduces the risk of serious abuse to children. Abuse tends to occur in privacy and isolation, and especially in toileting areas. CFOC, pg. 118 Standard 3.059

Corporal punishment may be physically and emotionally abusive, or may easily become abusive. Research links corporal punishment with negative effects such as later criminal behavior and learning impairments. Other inappropriate discipline methods such as humiliation or using abusive language may also be emotionally abusive. CFOC, pgs. 65-66 Standard 2.042; pg. 337 Standard 8.009

Enforcement

Level 1A, 2A, or 3A Noncompliance, depending on the level of abuse that occurred. Check with the Bureau Director before citing.

Licensed Family 90-14, and Residential Certificate 50-14:

- (2) All providers shall follow the reporting requirements for witnessing or suspicion of abuse, neglect, and exploitation found in Utah Code, Section 62A-4a-403 and 62A-4a-411.-4a-411.

Rationale / Explanation

Reporting of suspected child abuse or neglect is required by Utah law. Suspected abuse and neglect must be reported to law enforcement or Child Protective Services. Reporting suspected abuse or neglect to one's supervisor only does not meet the legal requirement to report suspected abuse and neglect. CFOC, pgs. 116 Standard 3.053.

See CFOC, pg. 420 Appendix K for a list of signs of possible abuse and neglect, and pg. 421 Appendix L for a list of risk factors for abuse and neglect.

Enforcement

Level 1B, 2B, or 3B Noncompliance, depending on the level of abuse that was not reported. Check with the Bureau Director before citing.

Licensed Family 90-14, and Residential Certificate 50-14:

- (3) The use of tobacco, alcohol, illegal substances, or sexually explicit material on the premises or in vehicles used to transport children is prohibited any time that a child is in care.

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Rationale / Explanation

Scientific evidence has linked respiratory health risks to secondhand smoke. No children, especially those with respiratory problems, should be exposed to additional risk from the air they breathe. Infants and young children exposed to secondhand smoke are at risk of developing bronchitis, pneumonia, and middle ear infections when they experience common respiratory infections. CFOC, pg. 63 Standard 2.035; pg. 111 Standard 3.041; pg. 354 Standard 8.038

The age, defenselessness, and lack of mature judgement of children in care make the prohibition of tobacco, alcohol, and illegal substances an absolute requirement. CFOC, pg. 111 Standard 3.041; pg. 354 Standard 8.038

Enforcement

If tobacco is used when children are in care:

- *Level 2B Noncompliance for indoor use or use in vehicles when a child in care is in the vehicle.*
- *Level 3D Noncompliance for outdoor use.*

If alcohol or illegal substances are used when children are in care:

- *Level 1B Noncompliance if a provider is intoxicated or impaired and transports a child.*
- *Level 2B Noncompliance if a provider is intoxicated or impaired while a child is in care.*
- *Level 3D Noncompliance if a provider or anyone in the home has been drinking or using an illegal substance, but is not intoxicated or impaired.*
- *Level 3D Noncompliance if another person in the home is intoxicated or impaired.*

If sexually explicit materials are used when a child is in care:

- *Level 2C Noncompliance otherwise.*
- *Level 3D Noncompliance if sexually explicit materials are used in the presence only of children the under the age of 2.*

Licensed Family 90-14:

- (4) The licensee shall not enroll any child for care without documentation of:
- (a) proof of current immunizations as required by Utah law;
 - (b) proof of receiving at least one dose of each required vaccine prior to enrollment, and a written schedule to receive all subsequent required vaccinations; or
 - (c) written documentation of an immunization exemption due to personal, medical or religious reasons.
- (5) The licensee shall not provide ongoing care to a child without documentation of:
- (a) proof of current immunizations as required by Utah law; or
 - (b) written documentation of an immunization exemption due to personal, medical or religious reasons.

Residential Certificate 50-14:

- (4) The certificate holder shall not enroll any child for care without documentation of:
- (a) proof of current immunizations, as required by Utah law;
 - (b) proof of receiving at least one dose of each required vaccine prior to enrollment, and a written schedule to receive all subsequent required vaccinations; or
 - (c) written documentation of an immunization exemption due to personal, medical or religious reasons.

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Licensed Family 90-14:

- (5) The licensee shall not provide ongoing care to a child without documentation of:
- (a) proof of current immunizations as required by Utah law; or
 - (b) written documentation of an immunization exemption due to personal, medical or religious reasons.

Residential Certificate 50-14:

- (5) The certificate holder shall not shall not provide ongoing care to a child without documentation of:
- (a) proof of current immunizations as required by Utah law; or
 - (b) written documentation of an immunization exemption due to personal, medical or religious reasons.

Rationale / Explanation

Routine immunization at the appropriate age is the best means of preventing vaccine-preventable diseases. CFOC, pgs. 87-88 Standards 3.005, 3.006; pg. 342 Standard 8.014

Enforcement

*If a provider indicates they **do not have** the required immunization records, cite this rule. If the provider indicates they **have** any of these records, but **cannot find them** during an on-site visit, cite R430-90-9(2)(b) or R430-50-9(2)(b) only as being out of compliance. If the provider still does not have the required record(s) on the follow-up visit, cite this rule.*

Always Level 3D Noncompliance.

Licensed Family 90-14:

- (6) The licensee shall not admit any child for care without the following written health information from the parent:
- (a) allergies;
 - (b) food sensitivities;
 - (c) acute and chronic medical conditions;
 - (d) instructions for special or non-routine daily health care;
 - (e) current medications; and
 - (f) any other special health instructions for the licensee.

Residential Certificate 50-14:

- (6) The certificate holder shall not admit any child for care without the following written health information from the parent:
- (a) allergies;
 - (b) food sensitivities;
 - (c) acute and chronic medical conditions;
 - (d) instructions for special or non-routine daily health care;
 - (e) current medications; and,
 - (f) any other special health instructions for the certificate holder.

Rationale / Explanation

Admission of children without this information can leave the provider unprepared to deal with daily and emergency health needs of the child. CFOC, pg. 71 Standard 2.054

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Enforcement

The health assessment form used by the provider does not have to use the specific words "acute" and "chronic," which parents may not understand. As long as the health assessment asks about any medical conditions the child has, it meets this rule.

Food sensitivities can result in minor irritations (rashes, loose stools) whereas a true allergy could cause a life-threatening reaction (anaphylaxis, severe asthma attack, hives, etc.).

If the provider's health assessments ask for any food or drink restrictions, this meets the requirement for (b) food sensitivities. The provider does not have to use the specific words "food sensitivities."

*If a provider indicates they **do not have** the required health assessments, cite this rule. If the provider indicates they **have** any of these records, but **cannot find them** during an on-site visit, cite R430-90-9(2)(a)(vii) or R430-50-9(2)(a)(vii) only as being out of compliance. If the provider still does not have the required record(s) on the follow-up visit, cite this rule.*

Level 1B Noncompliance: If lack of information on a health assessment resulted in an emergency situation that could result in death or disability (seizure, allergic reaction, etc.) in which caregivers did not have the needed information.

Level 2B Noncompliance: If lack of information on a health assessment resulted in a situation that would require medical attention, but is not life-threatening.

Level 4 Noncompliance otherwise.

Licensed Family 90-14:

- (7) The licensee shall ensure that each child's parent reviews, updates, and signs or initials the child's health information at least annually.

Residential Certificate 50-14:

- (7) The certificate holder shall ensure that each child's parent reviews, updates, and signs or initials the child's health information at least annually.

Rationale / Explanation

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<i>Level 4 Noncompliance otherwise.</i>
